

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – NMRs – Ongole Municipality –Regularisation and absorption of the services of Smt. G.Vijayalakshmi , with effect from 22.01.1995 on par with other NMRs keeping in view of the orders of APAT in OA No.3021 of 2000, dated: 3.7.2007 - Modification Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (G2) DEPARTMENT

G.O.Ms.No.304

Dated:30-07-2011

Read the following:

1. G.O.Ms.No.212, Fin.&Plg.(PC.III)Dept., dated. 22.4.94.
2. G.O.Ms.No.642, MA &UD (G2) Dept., dated 30.12.1994.
3. From the C & DMA, Lr.Roc.No. 15091/99-M2, dt.8.7.99 and 31.8.99.
4. G.O.Ms.No.655, MA &UD (G2) Dept., dated 18.11.1999.
5. From the Orders, dated 3.7.2007 of APAT, Hyderabad in OA No. 3021 of 2000.
6. Application from Smt. G. Vijayalakshmi, Jr. Asst., Ongole Municipality, dated 1.8.2007.
7. Govt. Memo No. 15262/G2/2007-1, dated 21.8.2007.
8. From the C & DMA., Hyderabad, Lr.Roc.No. 12057/2000/M2, dated: 6.2.2008 and 10.12.2010.

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ORDER:

In the reference 2nd read above, Government have regularized service of 414 NMRs who had fulfilled the conditions laid down in G.O.Ms.No.212, Fin. & Plg. (PC.III) Dept., dated: 22.04.94 and absorbed them in the available last grade posts in the Municipalities, including 8 NMRs of Ongole Municipality.

2) The Commissioner and Director Municipal Administration, Hyderabad has submitted that Smt G. Vijayalakshmi, was appointed as NMR basis in Ongole Gram Panchayat on 01.5.1987 and her service were terminated on 05.05.1991. The individual has filed O.A. 47853/1990 and the APAT in its order dated: 22.07.1991 has set aside the termination order and accordingly the applicant has been re-inducted to service on 22.07.1993. Thereafter, the applicant was transferred to Ongole Municipality. She has requested for regularization of her service for the break period with effect from 05.05.1990 to 22.07.1993 from the date of termination to the date of re-induction into service. The Commissioner of Panchayat Raj, Hyderabad, has negated her request to regularize the service of break period. Aggrieved, the individual has filed O.A. No. 5908 of 1995 challenging the said orders of rejection. The Hon'ble APAT in its Order dated: 14.10.1998 directed the respondents to regularize the service of the applicant in terms of G.O. Ms. No. 212, F & P, dated: 22.04.1994.

3) In the reference 3rd read above the Commissioner and Director Municipal Administration, Hyderabad has requested the Government to regularize the service of Smt. G. Vijayalakshmi, NMR, Ongole Municipality. The Government after examining the proposal of Commissioner and Director Municipal Administration, Hyderabad, has issued orders to regularize the services of Smt. G. Vijayalakshmi as Junior Assistant with prospective effect (i.e.)from the date of issue of this order vide G.O. Ms. No. 655, MA & UD (G2) Dept., dated: 18.11.1999.

Pto.

4) Aggrieved, Smt. G. Vijayalakshmi, has filed OA No. 3021 of 2000 before Andhra Pradesh Administrative Tribunal (APAT), Hyderabad, stating that she was eligible for regularization from the date of availability of post as was done in the case of others but not prospectively. The APAT, in its orders dated: 03.07.2007, while disposing the OA, has observed that there is no illegality in issuing the G.O. Ms. No. 655, MA & UD (G2) Dept., dated: 18.11.99, regularizing the services of the applicant prospectively. But, the contention of the learned counsel for the applicant that, the case of the applicant was not considered for regularization along with the others on 21.01.1995, and the applicant's break period from 05.05.1990 to 22.07.1993 has not been regularized and it was negatived, and thereby the APAT felt that, in view of the orders of Tribunal setting aside the orders of rejection of regularization of the gap period and directing the authorities to regularize the break period, the applicant is entitled to be considered for regularization on par with the others with effect from the date.21.1.1995 and this aspect has not been considered while issuing G.O.Ms.No.655, dated:18.11.1999. If the applicant is entitled for regularization along with the other similarly situated persons from 21.1.1995, the respondents are bound to consider the case of the applicant and remanded back the issue to the Govt., to examine the above aspect with reference to the above observations and pass appropriate orders for regularization of the applicant on par with other similarity situated persons with effect from 21.1.1995.

5) The Commissioner and Director Municipal Administration, Hyderabad has further informed that the Municipal Commissioner, Ongole has submitted that however the services of applicant Smt. G. Vijaya Lakshmi were regularized with effect from 16.11.1999 after lapse of 4 years in the vacant post of Junior Assistant. As such Smt. G. Vijaya Lakshmi, Junior Assistant has again approached the Hon'ble APAT in OA No.3021/2000 Dated 03.07.2007 for retrospective regularization with effect from 21.01.1995. The MC., Ongole also submitted that Smt. G. Vijaya Lakshmi, junior Assistant is fully qualified to hold the post of Junior Assistant and there is vacancy of Junior Assistant post as per G.O.Ms.No.292 MA, Dated 16.05.1992 with effect from 21.01.1995 and as seen from 100 point roster 1 OC women Backlog post is in existence and the individual belongs to OC community. But the only reason for not considering her case with retrospective effect i.e. 21.01.1995 is that she has got break in NMR service from 05.05.1990 to 22.07.1993, which has been set aside by the APAT vide OA No.5908/1995 Dated 14.10.1998, as such she is eligible for regularization of her service with retrospective effect i.e., from 21.01.1995. Finally, the MC., Ongole, has submitted that Smt. G. Vijaya Lakshmi, Junior Assistant may be considered for regularization of her service with effect i.e., 21.01.1995 duly condoning the break in NMR service.

6) Government, after careful examination of the proposal of Commissioner and Director Municipal Administration, Hyderabad, hereby permit the Commissioner and Director Municipal Administration, Hyderabad, to regularize the services of Smt. G.Vijayalakshmi, Junior Assistant on par with the 8 NMRs in Ongole Municipality whose services were regularized in G.O.Ms.No.642, MA &UD (G2)Dept., dated 30.12.1994 with effect from 21.01.1995 (retrospective effect) as directed by APAT in OA No.3021/2000, as she has fulfilled all the conditions stipulated in the reference 1st read above.

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7) The Director Municipal Administration, Hyderabad, shall take further necessary action in the matter.

8) This orders issues with the concurrence of the Finance & Planning (PC.III)Department, vide their U.O.No. 16480/359/A1/PC.III/2011, dated 22.07.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. VIJAY KUMAR,
SECRETARY TO GOVERNMENT

To
The Director Municipal Administration, Hyderabad.
The Commissioner, Ongole Municipality, Ongole.
Copy to:
The Finance (PC.III) Department.
The OSD to Minister (MA) / PS to Secretary (MA)
SF/Sc

//Forwarded::By Order//

SECTION OFFICER

